



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Speedy Food Service, Inc.—Reconsideration

File: B-274406.2

Date: January 3, 1997

Theodore M. Bailey, Esq., for the protester.

Tania L. Calhoun, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration of General Accounting Office (GAO) decision denying protest is dismissed as untimely where it was filed more than 10 calendar days after the firm advised GAO that it had noted the decision on GAO's World Wide Web Internet site, where bid protest decisions generally are posted within 24 hours after issuance. It is not relevant that the firm filed the request within 10 days of receiving the mailed copy of the decision, since to permit a firm with actual knowledge of and access to a decision on its protest to wait for receiving a copy in the mail before starting the 10-day reconsideration period would be inconsistent with the dual requirements reflected in GAO's timeliness rules of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process.

DECISION

Speedy Food Service, Inc. asks that we reconsider our decision in Speedy Food Serv., Inc., B-274406, December 9, 1996, 96-2 CPD ___, in which we denied the firm's protest of the award of a contract to Cantu Services, Inc. under request for proposals (RFP) No. DABT39-95-R-0002, issued by the Department of the Army to obtain food services at Fort Sill, Oklahoma.

We dismiss the request as untimely.

Our Bid Protest Regulations contain strict rules for the timely submission of protests, comments, and requests for reconsideration; specifically, a request for reconsideration must be filed within 10 calendar days after the requesting party knows or should know the basis for reconsideration. Bid Protest Regulations, § 21.14(b), 61 Fed. Reg. 39039, 39047 (1996) (to be codified at 4 C.F.R. § 21.14(b)).

Speedy filed its reconsideration request in our Office on December 23, stating that it received our decision on December 16. However, our records show that Speedy telephoned our Office on December 10 to express its concern that the decision, which it noted was on our Office's World Wide Web Internet site, contained material covered by a protective order. We generally post our bid protest decisions on our Internet site within 24 hours after issuance. Since Speedy thus admittedly had actual knowledge of our decision on December 10, it was incumbent on the firm to ask for reconsideration within 10 days of that date. Written notification of a basis for reconsideration is not required. See Swafford Indus., B-238055, Mar. 12, 1990, 90-1 CPD ¶ 268, aff'd, B-238055.2, July 30, 1990, 90-2 CPD ¶ 79. Moreover, to permit a firm with actual knowledge of and access to a decision on its protest to wait until it receives a copy in the mail before starting the 10-day reconsideration period would be inconsistent with the dual requirements reflected in our timeliness rules of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. See Air Inc.-Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129.

Accordingly, the request for reconsideration, filed more than 10 days after December 10, is dismissed.

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